

REMARKS

Allowable claims 13, 14, 16-18, 21 and 22 have been amended to place these claims in form for allowance. Claims 23 and 24 have been added. Claims 10-24 are pending.

As best understood, claims 10-12, 15, 19, 20, 23 and 24 presently stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Johnson (U.S. 5,201, 327) in view of Lin (U.S. 6,227,358).

Johnson is alleged to disclose a rare earth metal magnet as presently claimed (claim 9). A “rare earth” metal is defined in the Handbook of Chemistry, 10th edition (1961), at p. 1747, as...

Any one of a series of very similar oxides of metals with consecutive atomic numbers from 57 through 71 (with the exception of cerium, No. 58, which is sometimes considered not to be a member of the series) and a characteristic valence of three. They occur in widely distributed but relatively scarce minerals.

Johnson does not disclose a “rare earth” metal. Johnson does not disclose a “magnet”. Instead, Johnson discloses “silver and/or carbon” particulates. Silver and carbon are not rare earth metals and are not magnetic. Johnson teaches away from the present invention these basic aspects.

Rare earth metal magnets are composed of certain rare earth metals, particularly including e.g. neodymium and cobalt (claims 23- 24).

On analysis, Johnson is far removed from the present claims.

Lin, at col. 3, lines 29-33, discloses adding a magnet to a condom storage bag in order to convert or deconstruct the condom storage box to a clothes or accessories storage box. That is, the Lin magnet is entirely unrelated to and directed away from condom operability or use. Instead, the Lin magnet is used to provide a construction to store “clothes” or a “bag accessory” (see Lin at col. 3, line 31). Lin teaches away from present claims in several respects.

Insofar as both Johnson and Lin teach away from the present invention (claim 10), there is no suggestion in the art to combine these references.

Neither Johnson or Lin disclose (i) condom magnetizable material, (ii) rare earth metal and/or (iii) magnet operably disposed with respect to the packaged condom magnetizable material. Combining Johnson and Lin cannot supply that which is absent in both.

Applicants submit that claims 10-24, as amended, are in form for allowance, and enclose a check in the amount of \$200.00 to cover the fees

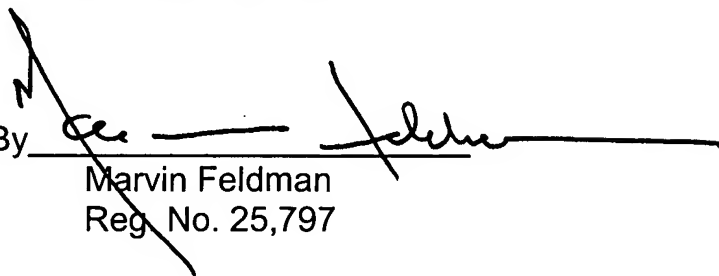
required for two additional independent claims. Should there be a credit forthcoming or if additional fees are required, then same may be credited or charged to the undersigned Attorney's Deposit Account 10-0100.

An early allowance is respectfully requested.

Respectfully Submitted,

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By


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MF:k

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January 5, 2005

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Enclosures: p. 1747, Handbook of Chemistry, 10th Edition (1961)
Check in the amount of \$200 to cover 2 additional
Independent claims